

**Fitch, Even, Tabin & Flannery***Intellectual Property Law*

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FEB 13 2004

OFFICIAL

Client/Matter Nos: 7372/72249

Date: February 13, 2004

The transmission that follows totals 13 pages, including this cover sheet. Please deliver immediately to the following:

Attn: Examiner Elizabeth Slobodyansky
Art Unit 1652

Fax: 703 872-9306

Re: U.S. Application No. 10/004,115
ASAKO et al.

This transmission is being sent by Kendrew Colton, please call (202-419-7000) if there is a problem with this transmission.

COMMENTS:

CERTIFICATE OF FACSIMILE: I hereby certify that these papers (Transmittal and Amendment) are being transmitted via facsimile to: Commissioner of Patents, Washington, D.C. 20231, Attn: Elizabeth Slobodyansky, on this day of February 13, 2004.

Kendrew H. Colton, Reg. No. 30,368

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FORM PTO-1083

PATENT
Attorney Docket No. 7372/72249

In re Application of: ASAKO et al.
 Application No. 10/004,115
 Filed: December 6, 2001
 For: PROCESS FOR PRODUCING OPTICALLY ACTIVE 4-HALO-3-HYDROXYBUTANOATE

U.S. Patent and Trademark Office
 2011 South Clark Place
 Customer Window, Mail Stop Non-Fee Amendment
 Crystal Plaza Two, Lobby, Room 1B03
 Arlington, VA 22202

February 13, 2004

Sir:

Transmitted herewith is Supplemental Amendment

☐ small entity status of this application under 37 CFR 1.27.

DUE DATE: N/A

Petition For Extension Of Time☐ for a -month extension of time under 37 CFR 1.136, the fee of \$0.00 is enclosed.☒ petition for an extension of time is **NOT** necessary. However, to the extent that such petition is deemed necessary, for a sufficient extension of time to render the present submission timely. Please charge Deposit Account No. 06-1135 for the appropriate petition fee.☒ No additional claim fee is required.☐ Other:

The claim fee has been calculated as shown below:

					SMALL ENTITY		OTHER THAN A SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	EXTRA CLAIMS PRESENT	RATE	ADDIT. CLAIM FEE	RATE	ADDIT. CLAIM FEE
TOTAL	55	MINUS	55	0	x 9=	\$	x 18=	\$00.00
INDEPENDENT	6	MINUS	6	0	x 40=	\$	x 86=	\$0.00
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE CLAIM					+ 135=	\$	+ 290=	\$
					TOTAL	\$	TOTAL	\$00.00

☐ Please charge my Deposit Account No. 06-1135 in the amount of \$0.00, under Order No. A duplicate copy of this sheet is attached.☐ A check in the amount of \$0.00 is attached.☒ The Commissioner is hereby authorized to charge any deficiencies in the following fees associated with this communication or credit any overpayment to Deposit Account No. 06-1135. A duplicate copy of this sheet is attached.☒ Any filing fees under 37 CFR 1.16 for the presentation of extra claims.☒ Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

CERTIFICATE OF FACSIMILE: I hereby certify that these papers
 (Transmittal and Amendment) are being transmitted via facsimile to:
 Commissioner of Patents, Washington, D.C. 20231, Attn: Elizabeth
 Slobodnysky, on this day of February 13, 2004.

By: 
 Kendrew H. Colton
 Registration No. 30,368

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**RECEIVED
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Appl. No. : 10/004,115
Applicant : ASAKO et al.
Filed: : December 6, 2001
TC/A.U. : 1652
Examiner : Elizabeth Slobodyansky

Confirmation No.: 3895

OFFICIAL

Docket No. : 7372/72249
Customer No. : 22242

February 13, 2004

Supplemental Amendment

U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop **Non-Fee Amendment**
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Dear Sir:

Please enter this Supplemental Amendment in the above-identified application as follows:

(1) Amendments to the claims are reflected in the listing of claims which begins on page 2 of this paper.

(2) Remarks/arguments begin on page 11 of this paper.